

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

December 14, 2021 at 1:30 p.m.

1.	18-25003 -C-13	DEVISTEEN CONLEY	MOTION TO MODIFY PLAN
	BLG -6	Chad Johnson	10-8-21 [90]

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 67 days' notice was provided. Dkt. 96.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

<p>The Motion to Confirm Modified Plan is granted.</p>

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the second modified plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify filed by the debtor, Devisteen Conley, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the debtor's Modified Chapter 13 Plan (Dkt. 95) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and

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the plan is confirmed. Debtor's counsel shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 59.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan filed on November 5, 2021.

The Chapter 13 trustee filed an Opposition on November 22, 2021. Dkt. 60.

Thereafter, the debtor's counsel filed a Response requesting the court deny this Motion in light of the trustee's opposition and the unavailability of counsel at the hearing.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Henry Burl Reed, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

3. [20-21028](#)-C-13 MARILYN JOHNSON
[CYB](#)-2 Candace Brooks

MOTION TO INCUR DEBT
11-29-21 [[68](#)]

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion is dismissed without prejudice.

On December 6, 2021, the Movant filed an Ex Parte Motion to Dismiss. Dkt. 75. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion filed by Marilyn G. Johnson having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is dismissed without prejudice.

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 57 days' notice was provided. Dkt. 35.

**The hearing on the Motion to Confirm is continued to
February 22, 2022 at 1:30 p.m.**

The parties filed a stipulation requesting the hearing be continued to February 22, 2022. Dkt. 42. In light of the request of the parties, and good cause appearing, the court shall continue the hearing.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Megan Danielle Adcock, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the hearing on the Motion to Confirm is continued to February 22, 2022 at 1:30 p.m.

5. [21-20747](#)-C-13 JUDY HO
[TLA](#)-2 Thomas Amberg

MOTION TO EMPLOY EXP REALTY OF
CALIFORNIA, INC. AS BROKER(S)
AND/OR MOTION TO EMPLOY JOSEPH
SATARIANO AS REALTOR(S)
10-28-21 [[41](#)]

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 46.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Employ is granted.

The debtor Judy Chi Huyen Ho ("Debtor") seeks to employ eXp Realty of California, Inc. as a broker ("Broker") and Joseph Satariano as a realtor ("Realtor") pursuant to Local Bankruptcy Rule 9014-1(f)(1) and Bankruptcy Code Sections 328(a) and 330.

Debtor argues the Broker and Realtor are necessary to market and sell the debtor's residence.

The Declaration of Joseph Satariano filed in support of the Motion attests to the Broker and Realtor's disinterestedness. Dkt. 44.

DISCUSSION

Pursuant to § 327(a), a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals, including attorneys, to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Section 328(a) authorizes, with court approval, a trustee or debtor in possession to engage the professional on reasonable terms and conditions, including a retainer, hourly fee, fixed or percentage fee, or contingent fee basis. Notwithstanding such approved terms and conditions, the court may allow compensation different from that under the agreement after the conclusion of the representation, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of fixing of such terms and conditions.

Taking into account all of the relevant factors in connection with the employment and compensation of the Broker and Realtor, considering the

declaration demonstrating that the Broker and Realtor do not hold an adverse interest to the Estate and are disinterested persons, the nature and scope of the services to be provided, the court grants the Motion on the terms and conditions set forth in the Listing Agreement filed as Exhibit A, Dkt. 45. Approval of the commission is subject to the provisions of 11 U.S.C. § 328 and review of the fee at the time of final allowance of fees for the professional.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Employ filed by the debtor Judy Chi Huyen Ho ("Debtor") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Employ is granted, and Debtor is authorized to employ eXp Realty of California, Inc. as a broker and Joseph Satariano as a realtor for Debtor on the terms and conditions as set forth in the Listing Agreement filed as Exhibit A, Dkt. 45.

IT IS FURTHER ORDERED that no compensation is permitted except upon court order following an application pursuant to 11 U.S.C. § 330 and subject to the provisions of 11 U.S.C. § 328.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 51.

The Motion to Sell is granted.

The debtor, Judy Chi Huyen Ho, filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 8683 Bluefield Way, Sacramento, California ("Property").

The proposed purchaser of the Property is Shuying Wu, and the proposed purchase price is \$480,000.00.

The debtor represents the proposed sale price is enough to pay off all secured and unsecured claims.

The Trustee initially filed an Opposition requesting an Estimated Closing Statement, but withdrew opposition after the Estimated Closing Statement was provided. Dkts. 52, 57.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: **xxxxxxxxxxxxxxxxxx**.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Sell Property filed by the debtor Judy Chi Huyen Ho ("Movant"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13

Trustee for approval as to form, and if so approved submit the proposed order to the court.

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 77.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify Plan is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm Third Modified Plan filed by the debtor, Angela Marie Brace, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the debtor's Modified Chapter 13 Plan (Dkt. 76) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Debtor's counsel shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 40.

The Motion to Approve Loan Payment Deferral is granted.

The debtor filed this Motion seeking authority to enter a payment deferral agreement with Wells Fargo Bank, N.A., the creditor holding a first deed of trust secured by the debtor's residence.

The debtor is presently \$16,212.00 delinquent in mortgage payments. The agreement would suspend the entire delinquency until the loan maturity date, rendering the debtor current on his mortgage.

The court finds that the proposed agreement, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Approve Loan Payment Deferral filed by Curtis Yao Liang Xu having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 47.

The Objection to Confirmation of Plan is sustained.
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The Chapter 13 Trustee, Russell Greer ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Section 3.08 of the debtors' plan proposes to reduce the secured claim of Bridgecrest based on the value of its collateral. However, Debtors' Schedule D indicates that the claim was not incurred greater than 910 days prior to the debtors' bankruptcy filing; therefore, that secured claim may not be valued by its collateral.
2. The Rights & Responsibilities (Dkt. 35) indicate a total of \$1,000.00 for services, of which \$0.00 was paid prior to filing. The debtors' plan (Dkt. 36) at Section 3.05 and amended 2016(b) (Dkt. 39) indicates a total of \$4,000.00 for services, of which \$1,500.00 was paid prior to filing.
3. The debtors' petition failed to list joint debtor, Sharon Bettega's prior case, no. 14-28917, where she received a discharge.
4. The plan proposes paying Wells Fargo Home Mortgage as a Class 4. However, Wells Fargo Bank N.A. filed proof of claim, no. 11 representing prepetition arrearages of \$16,896.81.

DISCUSSION

The trustee's arguments are well-taken. The debtors have not met their burden to show the plan is feasible because Wells Fargo Bank N.A.'s prepetition arrearages were grossly understated, because the secured claim of Bridgecrest cannot be valued, and because an amended Rights & Responsibilities stating the correct attorney fee needs to be filed.

That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6). Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 28.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 28) on November 9, 2021.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Wendy Susan Martinez, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the debtor's Amended Chapter 13 Plan (Dkt. 28) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Debtor's counsel shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 54.

The Motion to Refinance is granted.

The debtors filed this Motion seeking authority to refinance their property located at 853 McCauley Way, Galt, California. With the refinance funds, the debtors propose paying off all claims and completing this case.

The proposed financing is in the principal amount of \$496,540.00, paid at 4.250 percent interest over a 360 month term. Monthly payments are proposed to be \$3,390.14.

The trustee filed a Response noting no estimated closing statement has been filed (which the trustee could use to determine all claims can be paid), and requesting certain language be added to any order granting the Motion. Dkt. 55.

Thereafter, the debtors filed a Response agreeing to the additional language and accompanying an estimated closing statement. Dkts. 57, 59.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Refinance filed by William Valencia, II and Eileen Ann Valencia having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted. The debtors' counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

12. [21-20787](#)-C-13 MARY ANN LEWIS-JOHNSON MOTION TO VALUE COLLATERAL OF
FF-2 AND AMOS JOHNSON WESTLAKE FINANCIAL SERVICES
Gary Fraley 11-16-21 [[58](#)]

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 62.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtors filed this Motion seeking to value the portion of Westlake Financial Services's ("Creditor") claim secured by the debtors' property commonly known as a 2008 Toyota Prius (the "Property").

The debtors have presented evidence that the replacement value of the Property at the time of filing was \$3,622.00. Declaration, Dkt. 60.

DISCUSSION

The lien on the vehicle's title secures a purchase-money loan incurred on May 2, 2018, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9).

Upon review of the record, the court finds the value of the Property is \$3,622.00. Therefore, Creditor's secured claim is determined to be \$3,622.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Westlake Financial Services ("Creditor") secured by property commonly known as

a 2008 Toyota Prius (the "Property") is determined to be a secured claim in the amount of \$3,622.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 80.

The Motion to Incur Debt is xxxxxx.

The debtors filed this Motion seeking authority to incur debt to purchase a new 2021 Hyundai Sonata, or a similar new vehicle, since their 2015 Hyundai Sonata was in a total loss collision.

The proposed financing is in the principal amount of \$23,298.75, paid at 14.9 percent interest over a 72 month term. Monthly payments are proposed to be \$495.04.

The debtors argue in their Motion that a new model vehicle is sought to avoid maintenance and repair expenses, and to cut mileage costs. The debtors represent they will be able to afford the new payment, which is slightly more than double the debtor's car payment under the Modified Plan (Dkt. 42), because the debtor's income has increased and expenses have decreased.

DISCUSSION

At the hearing, xxxxxxxxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Incur Debt filed by Clyde Dewayne Wilson and Susan Ann Wilson having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is xxxxxxxxxxxx

14. [21-23088](#)-C-13 GINEQUA DARBY
[GC-1](#) Gerald Glazer

MOTION TO VALUE COLLATERAL OF
REGIONAL ACCEPTANCE CORP
10-19-21 [[18](#)]

Final Ruling: No appearance at the December 14, 2021 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 56 days' notice was provided. Dkt. 22.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Regional Acceptance Corp.'s ("Creditor") claim secured by the debtor's property commonly known as a 2017 Chevrolet Cruz (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$12,000.00. Declaration, Dkt. 20.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred in 2017, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$12,000.00. Therefore, Creditor's secured claim is determined to be \$12,000.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Regional Acceptance

Corp. ("Creditor") secured by property commonly known as a 2017 Chevrolet Cruz (the "Property") is determined to be a secured claim in the amount of \$12,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

15. [21-23088](#)-C-13 GINEQUA DARBY
[RDG](#)-1 Gerald Glazer

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
10-19-21 [[14](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 22.

The Objection to Confirmation of Plan is overruled.

The Chapter 13 Trustee, Russell Greer ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that the plan relies on the court valuing the secured claim of Regional Acceptance Corporation.

DISCUSSION

A review of the docket shows the debtor's Motion seeking to value the secured claim of Regional Acceptance Corporation has been granted, and the claim was valued at \$12,000.00.

The trustee's sole ground for Objection having been resolved, the Objection shall be overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled, and the debtor, Ginequa Lee Darby's Chapter 13 Plan (Dkt. 3), is confirmed. Counsel for the debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

16. [21-23489](#)-C-13 STACY HERMAN
[CLB](#)-1 Ronald Holland

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
11-29-21 [[15](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is sustained.
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Creditor Deutsche Bank National Trust Company, as Trustee, in trust for registered Holders of Long Beach Mortgage Loan Trust 2006-9, Asset-Backed Certificates, Series 2006-91 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan understates the prepetition arrearages on Creditor's claim to be \$51,297.00, where the total is actually \$60,551.99. Because the full amount is not paid, the plan does not provide for the Creditor's full claim and does not promptly cure Creditor's arrearages.
2. The plan proposes commencing payments in month 13 of the plan, and therefore does not provide for equal monthly payments on Creditor's secured claim.

DISCUSSION

The Plan provides that the Proof of Claim controls the amount to be paid under the Plan. Because the prepetition arrearages on Creditor's claim are roughly \$10,000 higher than anticipated, the Plan is not adequately funded and not feasible.

Furthermore, where the Plan proposes pay \$0 in the first 12 months of the Plan, the payments are not equal monthly installments.

Each of the above is grounds to deny confirmation. 11 U.S.C. § 1325(a)(5)(B)(iii)(I) & (a)(6). Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Deutsche Bank National Trust Company, as Trustee, in trust for registered Holders of Long Beach Mortgage Loan Trust 2006-9, Asset-Backed Certificates, Series 2006-91, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) notice. Dkt. 26.

The Motion to Sell is granted.

The debtors, Jesse Darwin Kesler and Rebecca R Kesler, filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 4150 Pearl Wood Way, Antelope, California ("Property").

The proposed purchaser of the Property is AKS Equities, Inc., and the proposed purchase price is \$433,333.00.

An Amended Motion was filed on December 8, 2021, adding a request for waiver of the Federal Rule of Bankruptcy Procedure 6004(h) 14-day stay.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: ~~xxxxxxxxxxxxxxxxxx~~.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Sell Property filed by Jesse Darwin Kesler and Rebecca R Kesler ("Movant"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Motion is granted. The debtors' counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.